

**AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE**

Index # 07CIV3657

Purchased/Filed:

STATE OF NEW YORK

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT

*Briarwood Farms, Inc.*

Plaintiff

against

*Toll Bros., Inc.*

Defendant

STATE OF NEW YORK  
COUNTY OF ALBANY

SS.:

Jessica Miller, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on May 18, 2007, at 2:00 pm, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed  
Summons in a Civil Case, Complaint and Rule 7.1

on

Toll Bros., Inc.

, the

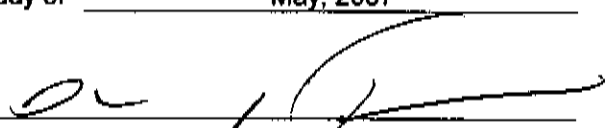
Defendant in this action, by delivering to and leaving with Carol Vogt,  
AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40 dollars; That said service was made pursuant to Section 306 Business Corporation Law.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 43 Approx. Wt: 118 Approx. Ht: 5'  
Color of skin: White Hair color: Brown Sex: F Other: \_\_\_\_\_

Sworn to before me on this

22nd day of May, 2007

  
DONNA M. TIDINGS  
NOTARY PUBLIC, State of New York  
No. 01T4898570, Qualified in Albany County  
Commission Expires June 15, 2007

  
Jessica Miller

Invoice/Work Order # SP0704227